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DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 94-092-2]

Availability of Determination of Nonregulated Status for Genetically Engineered Tomato Line

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our determination that a DNA Plant Technology Corporation delayed-ripening tomato line, designated as line 1345-4, is no longer considered a regulated article under our regulations governing the introduction of certain genetically engineered organisms. The determination is based on our analysis of a petition submitted by DNA Plant Technology Corporation for a determination of nonregulated status, and our review of scientific data and comments received from the public in response to a previous notice announcing receipt of the DNA Plant Technology Corporation's petition. This notice also announces the availability of our written determination document and its associated environmental assessment and finding of no significant impact.

EFFECTIVE DATE: January 17, 1995.

ADDRESSES: The determination, an environmental assessment and finding of no significant impact, the petition, and all written comments received regarding the petition may be inspected at USDA, room 1141, South Building, 14th Street and Independence Avenue SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect those documents are asked to call in advance of visiting at (202) 690-2817.

FOR FURTHER INFORMATION CONTACT:

Dr. Ved Malik, Biotechnologist, Biotechnology Permits, BBEP, APHIS, USDA, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612. The telephone number for the agency will change when agency offices in Hyattsville, MD, move to Riverdale, MD, during February. Telephone: (301) 436-7612 (Hyattsville); (301) 734-7612 (Riverdale). To obtain a copy of the determination or the environmental assessment and finding of no significant impact, contact Ms. Kay Peterson at (301) 436-7601 (Hyattsville); (301) 734-7601 (Riverdale).

SUPPLEMENTARY INFORMATION:

Background

On August 16, 1994, the Animal and Plant Health Inspection Service (APHIS) received a petition from DNA Plant Technology Corporation (DNAP) of Oakland, CA, seeking a determination that its delayed-ripening tomato line 1345-4 (tomato line 1345-4) and any progeny derived from hybrid crosses between that line and other non-transformed tomato varieties do not present a plant pest risk and, therefore, are not regulated articles under APHIS' regulations in 7 CFR part 340.

On September 26, 1994, APHIS published a notice in the **Federal Register** (59 FR 49055-49056, Docket No. 94-092-1) announcing receipt of the DNAP petition and stating that the petition was available for public review. The notice also discussed the role of APHIS and the Food and Drug Administration in regulating tomato line 1345-4 and food products derived from it. In the notice, APHIS solicited written comments from the public as to whether tomato line 1345-4 posed a plant pest risk. The comments were to have been received by APHIS on or before November 25, 1994.

APHIS received seven comments on the DNAP petition submitted by universities, State officials, and a tomato grower. One comment concerned the information provided in the notice of receipt of the petition; the remainder of the comments were in favor of the petition. APHIS has provided a summary of the comments in the determination document, which is available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Analysis

Tomato line 1345-4, as described by its developer, DNAP, contains a gene that delays ripening. Using Transwitch™ gene suppression technology, DNAP introduced a truncated version of the tomato aminocyclopropane carboxylate (ACC) synthase gene into the tomato genome in the "sense" or normal orientation, resulting in tomato plants that exhibit significantly reduced levels of ACC synthase. ACC synthase is the rate-limiting enzyme that converts S-adenosylmethionine to 1-aminocyclopropane-1-carboxylic acid, the immediate precursor to ethylene. Tomato line 1345-4 contains a gene which is derived from the tomato ACC synthase gene, but which does not encode a functional ACC synthase enzyme. Though the fruit of these plants exhibits delayed-ripening, they ripen as usual when exogenous ethylene is applied. Tomato line 1345-4 has also been transformed with the nptII gene from *E. coli* that encodes the enzyme neomycin phosphotransferase II and serves as a selectable marker enabling identification of the transformed plant cells. This gene is fused to a nos promoter sequence and octopine synthase termination sequence from *A. tumefaciens*, a known plant pest.

Tomato line 1345-4 has been considered a regulated article under APHIS' regulations in 7 CFR part 340 because the line has been engineered using noncoding regulatory sequences derived from the plant pathogens *A. tumefaciens* and cauliflower mosaic virus. However, field tests of tomato line 1345-4 have been conducted at tomato growing regions in the United States since 1992 under permits issued by APHIS, and the field reports from those tests indicate that there were no deleterious effects on plants, nontarget organisms, or the environment as a result of this testing.

Determination

Based on its analysis of data submitted by DNAP, a review of other scientific data and comments received from the public, APHIS has determined that tomato line 1345-4: (1) Exhibits no plant pathogenic properties; (2) is no more likely to become a weed than the nonengineered parental variety; (3) is unlikely to increase the weediness potential of any other cultivated plant or

native wild species with which the organism can interbreed; (4) is unlikely to harm other organisms, such as bees, that are beneficial to agriculture; and (5) will not cause damage to processed agricultural commodities. APHIS has also concluded that there is a reasonable certainty that new progeny varieties bred from tomato line 1345-4 will not exhibit new plant pest properties, i.e., properties substantially different from any observed in the field-tested tomato line, or those observed in traditional tomato breeding programs.

The effect of this determination is that tomato line 1345-4 and all other lines bred from this line by sexual or asexual reproduction involving Mendelian inheritance, are no longer considered regulated articles under APHIS' regulations in 7 CFR part 340. Therefore, the permit and notification requirements pertaining to regulated articles under those regulations no longer apply to the field testing, importation, or interstate movement of the subject tomato line or its progeny. However, the importation of the tomato line and any nursery stock or seeds capable of propagation are still subject to the restrictions found in APHIS' foreign quarantine notices in 7 CFR part 319.

National Environmental Policy Act

An environmental assessment (EA) has been prepared to examine the potential environmental impacts associated with this determination. The EA was prepared in accordance with: (1) The National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381-50384, August 28, 1979, and 44 FR 51272-51274, August 31, 1979). Based on that EA, APHIS has reached a finding of no significant impact (FONSI) with regard to its determination that the tomato line designated as 1345-4 and other lines bred from the line by sexual or asexual reproduction involving Mendelian inheritance, are no longer regulated articles under its regulations in 7 CFR part 340. Copies of the EA and the FONSI are available upon request from the individual listed under **FOR FURTHER INFORMATION CONTACT.**

Done in Washington, DC, this 17th day of January 1995.

Lonnie J. King,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 95-1622 Filed 1-23-95; 8:45 am]

BILLING CODE 3410-34-M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: Bureau of the Census.

Title: 1995 Census Test - Integrated Coverage Measurement (Outmover Tracing Questionnaire).

Form Number(s): DG-1340, DG-1378(L).

Agency Approval Number: None.

Type of Request: New collection.

Burden: 523 hours.

Number of Respondents: 1,569.

Avg Hours Per Response: 20 minutes.

Needs and Uses: The Census Bureau has developed an Integrated Coverage Measurement (ICM) approach to be tested during the 1995 Census Test. ICM will utilize a separately sampled group of blocks within the 1995 Census Test sites which will be independently listed before the census test is conducted. After the census test, an ICM Person Interview will be conducted at the same housing units that were previously independently listed to develop an independent roster. For households where the Census Day (March 4) residents have moved out, Census will attempt to obtain roster and location information for the previous residents by proxy. Census will administer the Outmover Tracing Questionnaire to those \geq outmovers \geq we are able to contact at their current address in person or by telephone. If they cannot conduct an interview with outmovers, they will use the proxy information obtained earlier. Census will then reconcile differences between the independent roster obtained during the person and outmover tracing interviews and the census test results. This reconciliation will allow Census to measure their coverage of persons in missed housing units and coverage of persons missed within housing units enumerated in the census test.

Affected Public: Individuals or households.

Frequency: One time.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Maria Gonzalez, (202) 395-7313.

Copies of the above information collection proposal can be obtained by calling or writing Gerald Taché, DOC Forms Clearance Officer, (202) 482-3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW, Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Maria Gonzalez, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: January 18, 1995.

Gerald Taché,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 95-1757 Filed 1-23-95; 8:45 am]

BILLING CODE 3510-07-F

Foreign-Trade Zones Board

[DOCKET 1-95]

Foreign-Trade Zone 124, Gramercy, Louisiana; Application for Subzone Status Marathon Oil Company (Oil Refinery) Garyville, LA

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the South Louisiana Port Commission, grantee of FTZ 124, requesting special-purpose subzone status for the oil refinery of Marathon Oil Company (Marathon) (subsidiary of USX Corporation), located in Garyville, Louisiana. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on January 9, 1995.

The refinery (1,370 acres) is located at Marathon Ave., between U.S. 61 and the Mississippi River in Garyville, St. John the Baptist Parish, Louisiana, some 35 miles northwest of New Orleans. A Marathon pipeline (included in the subzone request) connects the refinery to the St. James, Louisiana, crude oil storage terminal of the LOOP/LOCAP Pipeline System.

The refinery (255,000 barrels per day; 480 employees) is used to produce fuels and petrochemical feedstocks. Fuels produced include gasoline, diesel fuel, jet fuel, and fuel oil. Petrochemical feedstocks include isobutane, propane and propylene. Refinery by-products include sulfur, petroleum coke and asphalt. All of the crude oil (some 75 percent of inputs) and some feedstocks and motor fuel blendstocks used by the refinery are sourced from abroad.